

Nelson V. "Billy" Mangold - 08-25-04

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, AS
GOVERNOR OF THE STATE OF
MISSISSIPPI, ET AL.

DEFENDANTS

VIDEO DEPOSITION OF NELSON V. "BILLY" MANGOLD

Taken at the instance of the Plaintiffs at Bradley,
Arant, Rose & White, 188 East Capitol Street, Suite
450, Jackson, Mississippi, on Wednesday, August 25,
2004, beginning at 9:07 a.m.

APPEARANCES:

MARCIA ROBINSON LOWRY, ESQ.
ERIC E. THOMPSON, ESQ.
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COUNSEL FOR PLAINTIFFS

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COUNSEL FOR DEFENDANT



Nelson V. "Billy" Mangold - 08-25-04

<p style="text-align: right;">Page 2</p> <p>1 VIDEOGRAPHER: Robert Branning</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 REPORTED BY: Ginger H. Brooks, CSR #1165</p> <p>8 RPR, CSR-MS, TX, OK</p> <p>9 Brooks Court Reporting, Inc.</p> <p>10 Post Office Box 2632</p> <p>11 Jackson, Mississippi 39207</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 VIDEOGRAPHER: Good morning. This is the</p> <p>2 video deposition of Nelson V. "Billy" Mangold taken</p> <p>3 by counsel for the plaintiff in the matter of Olivia</p> <p>4 Y., et al., versus Haley Barbour as Governor of</p> <p>5 Mississippi, et al., in the United States District</p> <p>6 Court for the Southern District of Mississippi,</p> <p>7 Jackson division, case number 304CV251LN, held at</p> <p>8 the offices of Bradley, Arant, Rose & White on the</p> <p>9 25th day of August, 2004. The time now is 9:07.</p> <p>10 Counsel may introduce themselves.</p> <p>11 MS. LOWRY: This is Marcia Lowery for</p> <p>12 plaintiffs.</p> <p>13 MR. THOMPSON: Also for plaintiffs, Eric</p> <p>14 Thompson.</p> <p>15 MS. MALLET: Betty Mallett with</p> <p>16 McGlinchey Stafford, PLLC for the defendants.</p> <p>17 VIDEOGRAPHER: The Court Reporter will now</p> <p>18 swear in the witness.</p> <p>19 NELSON V. "BILLY" MANGOLD,</p> <p>20 having been first duly sworn, was examined and</p> <p>21 testified as follows:</p> <p>22 EXAMINATION BY MS. LOWRY:</p> <p>23 Q. Good morning, Mr. Mangold.</p> <p>24 A. Good morning.</p> <p>25 Q. Have you ever been deposed before?</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 Style and Appearances..... 1</p> <p>3 Index 3</p> <p>4 Certificate of Deponent 145</p> <p>5 Certificate of Court Reporter 146</p> <p>6 EXAMINATIONS</p> <p>7 Examination By Ms. Lowry 4</p> <p>8 EXHIBITS</p> <p>9 1 Statewide Self Assessment 8</p> <p>10 2 Final Report, May 2004 36</p> <p>11 3 "Sun Herald" Article, April 24, . 137</p> <p>12 2004</p> <p>13 4 "Sun Herald" Article, May 21, ... 139</p> <p>14 2004</p> <p>15 5 "Hattiesburg American" Article .. 140</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. So then you know that if I ask you</p> <p>3 any questions that you don't understand, you should</p> <p>4 please just tell me that so I can ask the question</p> <p>5 in a way that's clear enough to you?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. And if you need to take any breaks at any</p> <p>8 time, please just tell us that, and we will take a</p> <p>9 break at your convenience.</p> <p>10 A. Okay. Thank you.</p> <p>11 Q. Sure. Mr. Mangold, are you currently</p> <p>12 employed by the State of Mississippi?</p> <p>13 A. Yes, ma'am, I am.</p> <p>14 Q. What is your position, please?</p> <p>15 A. I'm the director of the Division of Family</p> <p>16 and Children's Services for the Mississippi</p> <p>17 Department of Human Services.</p> <p>18 Q. And how long have you been in that</p> <p>19 position?</p> <p>20 A. Since January of this year, January of</p> <p>21 2004.</p> <p>22 Q. And have you been employed by the State of</p> <p>23 Mississippi prior to that time?</p> <p>24 A. Yes, ma'am, I have.</p> <p>25 Q. For about how long?</p>

2 (Pages 2 to 5)

Nelson V. "Billy" Mangold - 08-25-04

Page 142

Page 144

1 MS. LOWRY: Could we take a short break?
 2 VIDEOGRAPHER: Off record at 12:17.
 3 (A short break was taken.)
 4 (Record read.)
 5 VIDEOGRAPHER: Back on record at 12:22.
 6 Q. (By Ms. Lowry) Mr. Mangold, you said that
 7 the division was making changes in the procedures in
 8 accountability. Could you tell us -- could you
 9 describe what those changes are, please?
 10 A. Some of the changes are that the area of
 11 social worker supervisors are going to be looking at
 12 more cases than the regional directors are also
 13 going to be looking at more case trying to determine
 14 where and when we have some areas of concern, and
 15 then incorporating plans on a regional level to
 16 ensure that we change or correct whatever the
 17 problem is.
 18 Q. Okay. Anything else?
 19 A. I'm sure there's a lot of other things. I
 20 just can't -- you know, we've got a lot of other
 21 plans to -- procedures that we're going to put in
 22 place, but the -- the biggest issue is that our
 23 supervisors are going to have a more hands-on
 24 approach, and our regional directors. And then each
 25 region based on their specific situations are going

1 MS. MALLET: And we understand that
 2 you're concluding this deposition at this time.
 3 And, you know, I understand that we are working
 4 under the same three-hour deposition limit at this
 5 time. But you're anticipating that at some point we
 6 will not be, and you would like to take deposition
 7 once that restriction is lifted. If the Court lifts
 8 that restriction.
 9 MS. LOWRY: Do you have any questions for
 10 Mr. Mangold?
 11 MS. MALLET: I don't have any follow-up.
 12 MS. LOWRY: Okay. Very good.
 13 VIDEOGRAPHER: Off the record at 12:25.
 14 This completes the deposition of Mr. Nelson "Billy"
 15 Mangold.
 16 (12:27 p.m.)
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Page 143

Page 145

1 to submit plans to correct whatever situation that
 2 is. And if you see a problem and then you correct
 3 the problem, then, you know, that's -- that's what
 4 we need to be doing to initiate best practices and
 5 ensure that every decision we make a decision is
 6 going to be in the best interest of that child.
 7 Q. Uh-huh. And that's the case even if you
 8 don't have the resources to provide what's in the
 9 best interest of the child?
 10 A. We will do the very best we can with what
 11 we have to do with, and we use the most available
 12 and the most appropriate resource that we have.
 13 Q. Okay. Are all of these changes which
 14 you've described codified or compiled in any
 15 particular place?
 16 A. Most of them are listed in the -- in the
 17 PIP, the Program Improvement Plan.
 18 MS. LOWRY: Okay. We are at this time
 19 finished with our questions for this session. We
 20 would like to put on the record that we will have
 21 more questions for Mr. Mangold when document
 22 production goes forward in this case and when we are
 23 not subject to the three-hour limitation which we're
 24 working under now. And so we reserve our right to
 25 conclude the deposition under those circumstances.

1 CERTIFICATE OF DEPONENT
 2 DEPONENT:
 3 DATE: , 2004
 4 CASE STYLE: vs.
 5 ORIGINAL TO: , Esq.
 6 I, the above-named deponent in the
 7 deposition taken in the herein styled and numbered
 8 cause, certify that I have examined the deposition
 9 taken on the date above as to the correctness
 10 thereof, and that after reading said pages, I find
 11 them to contain a full and true transcript of the
 12 testimony as given by me.
 13 Subject to those corrections listed below,
 14 if any, I find the transcript to be the correct
 15 testimony I gave at the aforesaid time and place.
 16 Page Line Comments
 17 _____
 18 _____
 19 _____
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 21 _____
 22 _____
 23 _____
 24 _____
 25 _____
 This the ____ day of _____, 2004.
 State of Mississippi
 County of _____
 Subscribed and sworn to before me, this the
 ____ day of _____, 2004.
 My Commission Expires: _____
 Notary Public

37 (Pages 142 to 145)